PART XV.—CONTROL OF TIMBER AND OTHER FOREST PRODUCE.

1. The forest pass required by Rule 3* of the rules under Section 41 of the Indian Forest Act, 1878 (Government Notification No. 4133, dated 9th August 1880), for regulating the transit of timber and other forest produce, should be in the following form:—

Forest Pass.

No.

From

To

Road

Name of Holder.	Description of Produce.	Quantity.	Value.		Time allowed.
			Rs.	a. | p.	

Camp

Date

Pass to be returned to _____.

Signature.

(*a*) The pass should be in duplicate, so that the outer may be issued and the inner or counterfoil may be retained in the office of issue.

(*b*) Each pass should measure six inches by four, so that a half sheet of foolscap should contain two duplicate passes.

(*c*) The passes should be bound in books of two sizes, *viz.*:—

Small size ... ... Containing 12 passes.
Large size ... ... „ 100 „

(*d*) The charge for passes—*vide* Rule 13—should be at the following rates:—

(1) A single pass ... ... 2 pies.
(2) A book of 12 passes ... ... 2 annas.
(3) A book of 100 passes ... ... 8 annas.

(*e*) There should be four classes of passes; each should be printed on paper of a different distinguishing colour as under:—

Foreign pass ... ... Colour green.
Inámdár's pass ... ... „ white.
Malki number pass... ... „ yellow.
Government pass ... ... „ red.

(*f*) The office stamp of the principal Forest Officer of the district from which the pass or pass-

* Printed at pp. 126 *b*-132 of the Compilation of General Rules.

book is supplied for issue should be imprinted upon the dividing line between the two copies of the pass, so that one-half of the stamp should appear upon the counterfoil and the other upon the duplicate copy issued.

There is nothing in the above rules to prevent Foreign States from using their own registered passes in preference to passes obtained from the Forest Department.

(G. R. No. 1559, dated 8th March 1882, and G. N. No. 2977, dated 16th April 1883.)

2. Chapter VIII of the Indian Forest Act has no reference to forests or lands under forest, whether Government or private, but is intended to give the means of controlling timber and other forest produce (as defined in Section 2 of the Act) while in transit, irrespective of the source from which it may have been derived. The object of the chapter is not only to protect the produce of Government forests in transit, but also that obtained from private forests, and especially to prevent misappropriation. The entire chapter would be ineffective if *any* forest produce was exempted from its operation. (G. I., H. D., No. 532-F., dated 20th June 1883; *vide* G. R. No. 5210, dated 12th July 1883.*)

3. Every forest pass accompanying imports of forest produce is, legally speaking, null and void so soon as the period for which it was granted expires. A renewed pass is requisite to cover the forest produce to which it relates. But when the delay

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* This Resolution was passed before Act V of 1890, which amended Section 41 and the definitions of 'timber' and 'forest produce' in Section 2 of the Indian Forest Act, 1878, became law. The object of the amendments will be perceived from the following extract from the Statement of Objects and Reasons appended to Bill No. 13 of 1889 (A Bill to amend the Indian Forest Act, 1878, the Burma Forest Act, 1881, and the Upper Burma Forest Regulation, 1887):—

"In 1884 the Bombay Government brought to notice that Section 41 of Act VII of 1878 was defective, and suggested its amendment on the ground that it limited the control of timber in transit to timber found in or brought from a forest, and gave no authority to require the taking out of a pass, under the rules for trees felled on fields in occupation of landholders, as was previously the practice. The amendment was again urged in 1887; and the Bombay Government represented that it was absolutely necessary, with a view to prevent the misappropriation of timber from Government forests, that the executive authorities should have power to control while in transit all timber, from whatever source obtained, and that, if timber brought from private holdings were to be exempted from the operation of the rules framed under Section 41 of the Act, the control of timber in transit would be rendered to a great extent ineffectual; for, directly any timber was conveyed outside the forest boundaries, it could be passed off as the produce of some private holding without the risk of detection. The Bombay Forest Commission also drew attention to this subject, and strongly recommended that the section should be amended in the interests of the cultivating classes no less than in those of the Government.

"The simplest way of meeting the difficulty is to modify the definitions of 'timber' and 'forest produce' so as to include all parts and produce of trees, and to subject to control under Section 41 all timber whether grown in a *forest or not*."

in transit is such as could not have been foreseen, and is due to no fault of the person in charge, it would not be equitable to enforce penalties. (L. R. No. 1646, dated 22nd December 1883; *vide* G. R. No. 470, dated 18th January 1884.)

4. The land transport of forest produce should not be interfered with more than is absolutely necessary to protect important interests, and the true principle to follow is to protect and guard the Government forests themselves. (G. I., H. D., No. 831-F., dated 5th November 1884; *vide* G. R. No. 9256, dated 22nd idem.)

5. Government have no power to direct that a pass or permit shall be required for moving cart-loads of wood within forest limits, and the proper remedy to prevent cart-loads going beyond forest limits without a pass is to watch the forests carefully as the Government of India have already pointed out. (G. R. No. 7322, dated 15th October 1886.)

6. If wood is brought into one forest from another, it has moved out of forest limits. (G. R. No. 1384, dated 4th March 1887.)

7. Land which is declared to be a reserved or a protected forest does not cease to form part of the village in which it was originally situated merely because it becomes a forest. Therefore, proviso (*c*) to No. 3 of the rules under Section 41 of the Forest Act dispenses with the necessity of a pass for timber taken from a reserved or protected forest to any other part of the same village in which such forest is situated. (L. R. No. 558, dated 3rd May 1886; *vide* G. R. No. 3806, dated 26th idem.)

8. Railway companies have not been exempted from the operation of the rules for regulating the transit of timber and other produce published under Section 41 of the Forest Act; and it is the duty of the Conservator of Forests to enforce obedience to those rules on the part of the Railway officials, and to seize and detain Railway wagons in which timber, or other forest produce, may be transported in contravention of them. Railway officials, like other persons, must comply with the provisions of the law. (G. R. No. 5663, dated 5th August 1889.)